

Kubuski
10/747,762

REMARKS

The undersigned requests a personal interview with the Examiner in charge of this application.

Claim 1 was rejected as being anticipated by Barker.

Claims 2-6 were rejected as being unpatentable over Barker in view of Bray.

Claims 7-10 were rejected as being unpatentable over Barker in view of McCracken.

Claims 11-14 were rejected as being unpatentable over Barker and McCracken and further in view of Loeffelholz.

Claims 15-19 were rejected over the above references and further in view of Bray.

Barker discloses pants reinforced in the buttocks and thigh areas as protection against weather elements, such as rain. No cushioning as such is disclosed.

Bray has pants with reinforcement in the rear for water skiing.

McCracken shows the use of numbers on clothing to teach a child how to read letters and numbers. The use of a serial number for identification purposes is not mentioned.

Loeffelholz has a cap with emblems.

It is noted that there is nothing in the art to suggest the use of cushioning in pants to replace the use of a separate cushion on a seat.

Kuhuski
10/747,762

Claim 1 has been amended to make this distinction by changing par. c) to call for "a seating cushion included in said pants for replacing a separate cushion on a seat." Also recited is that the cushion is a "foam" cushion. Support for the foam cushion appears in the last paragraph of page 12. The use of a seating cushion in the pants instead of carrying a seating cushion is suggested in the second paragraph in page 10 of the specification.

Depending claims 2-4 add details of how the seating cushion is mounted in the pants. These claims would be allowed along with claim 1.

Claims 5-19 have been canceled and replaced with new claims 20-23.

Depending claim 20 adds the use of a unique serial number on the pants to identify the user. Support for a unique serial number appears in the middle of the first paragraph in page 14 of the specification. There is nothing in the art of record to suggest this feature.

New claim 21 is drawn to the method of attending a sporting event as a spectator wearing a pants with built in seating cushion. The use of the word "spectator" appears in page 11, line 10, of the specification. As noted above, the art of record in any possible combination does not suggest the method of wearing a built in seating cushion instead of carrying a cushion to a sporting event as a spectator.

Depending claim 22 adds the step of using a serial number unique to the wearer and depending claim 23 adds the drawing of the serial number for the making of the award of a prize. Support for this feature is found in the middle of page 10 of the specification.

Kuhuski
10/747,762

In view of the foregoing, it is believed that the claims remaining are drawn to patentable subject matter and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



LEONARD BELKIN
Reg. No. 18,063
Tel 301-951-8549
Cell 301-254-8549

for MICHAEL I. KROLL
Reg. No.26,755
171 Stillwell Lane
Syosset, New York 11791
Tel 516-367-7777

Dated: Sept. 24, 2004

CERTIFICATE OF FAXING

I hereby certify that this correspondence is being facsimile transmitted to the U. S.
Patent and Trademark Office, telephone number 703-872-9306 on Sept. 24, 2004.


Leonard Belkin